

Ashley National Forest Assessment

Tribal Uses Report

Public Draft

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for:

Ashley National Forest

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Contents

Introduction	1
Information Sources That Inform the Assessment	1
Information Needs	3
Scale of Analysis	4
Existing and Current Conditions	5
Historic and Prehistoric Overview	5
Protohistoric	6
Overview of Ute History	7
Overview of the Eastern Shoshone People	12
Creation of the Uintah Forest Reserve and Ashley National Forest	15
Areas of Tribal Importance	16
Trends and Issues	19
Resources at Risk	20
Climate Change	20
Recommended Management Direction:	20
Summary and Conclusions	21
References Cited	22

Tables

Table 1. Places important to the Ute people	18
Table 2. Plants important to the Ute people	18
Table 3. Other objects or concepts important to the Ute people	19

Figures

Figure 1. Map of Ute Indian territory and Ute bands	7
Figure 2. Original Uintah Valley and Uncompahgre Reservation boundaries and land cessions	10
Figure 3. Current Ute Tribal lands in the Uinta Basin	11
Figure 4. Map of Eastern Shoshone historic tribal lands	13
Figure 5. Current reservation lands occupied by Eastern Shoshone	15

Introduction

Assessment 12 of the Ashley National Forest plan revision looks at available information for areas of tribal importance. The content of this assessment is based upon guidance found in Forest Service Manual 1909.12, chapter 10 (assessments) and section 13.7 (areas of tribal importance).

Two Indian tribes claim traditional use areas within the Ashley National Forest planning area. The Ute Tribe traditional use areas include the Uinta Mountains and the Uinta Basin. The Eastern Shoshone traditional use areas are the Green River Basin in Wyoming and the northern Slope of the Uinta Mountains in Utah.

As managers of National Forest System lands and programs on the Ashley National Forest, we have a renewed opportunity during this planning process to better manage programs with respect to the tribes whose homelands we now manage. This requires extra effort in implementing the following:

- the Archaeological Resource Protection Act
- the National Historic Preservation Act
- the Native American Graves Protection and Repatriation Act
- the American Indian Religious Freedom Act
- other applicable laws

The assessment process can help us look for new ways to make the lands and programs we manage relevant to the tribes now living adjacent to the Ashley National Forest and far away. Native American tribes have always shown an interest in maintaining their access to the Uinta Mountains for cultural and traditional practices.

Information Sources That Inform the Assessment

At the outset of the assessment process, we asked the Ute Indian Tribe on the Uintah and Ouray Indian Reservation and the Eastern Shoshone Indian Tribe on the Fort Washakie Indian Reservation to participate in the planning process. In May of 2016, our heritage program manager met with the Ute Indian Cultural Rights and Protection Office in Fort Duchesne, Utah. On December 21, the Ashley National Forest personnel briefly met with the Ute Tribe Business Committee to consult with the Ute Tribe. Ashley National Forest personnel will continue to seek formal and informal consultation with both tribes.

Previous consultation with Clifford Duncan and Betsy Chapoose of the Ute Tribe Cultural Rights and Protection Office has provided information on areas of tribal importance.

The following historic treaties, executive orders, congressional acts, and presidential proclamations that directly affected U.S. Government management of Native Americans have been used for information in this assessment:

- Executive order dated October 3, 1861 [Created Uintah Valley Reserve]
- Treaty with the Tabeguache Indians dated October 7, 1863
- Treaty with the Eastern Shoshoni, 1863 (18 Stats., 685) [Agreement to open travel routes, telegraph route, and railway route through Shoshone lands]

- Act of May 5, 1864 (13 Stat.63) [Abolished reservations along the Wasatch Front in Utah and proposed moving Ute Indians to Uintah Valley Reservation]
- Act of February 23, 1865 (13 Stat.432) [proposed developing treaty with Utes to surrender certain lands in Utah Territory]
- Treaty with the Eastern Band Shoshoni and Bannock, 1868 (15 Stat.673) [Creation of Eastern Shoshone Reservation]
- Treaty with the Utah, Yampah Ute, Pah-vant, Sanpete Ute, Tim-p-nogs and Cum-nm-bah bands of the Utah Indians, June 8, 1865 [not ratified by Congress]
- Treaty with the Ute, 1868 [treaty with the Tabagache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians]
- 1874 Brunot Agreement with the Ute Nation
- Act of June 15, 1880 (21 Stat. 199) [White River Utes moved to Uintah Valley, Uncompahgre Utes moved to confluence of Grand and Gunnison Rivers, Southern Utes moved to La Plata River]
- Executive order dated January 5, 1882 [Uncompahgre Reservation set aside adjacent to Uintah Valley Reservation in Utah]
- Act of May 24, 1888 [gilsonite mining strip opened for public auction on Uintah Reservation]
- Act of August 15, 1894 [allotment of lands on the Uncompahgre and Uintah Indian Reservations and opening to unallotted lands for homestead and mineral claims]
- 1896 Big Horn Hot Springs land cession agreement with the Shoshone and Arapahoe Tribes of Indians in Wyoming
- Act of June 7, 1897 [allotment of lands and opening of lands containing gilsonite, asphaltum, elaterite, and other minerals on Uintah Reservation]
- Act of June 4, 1898 [cession of unallotted lands in Uncompahgre and Uintah Reservations]
- Act of March 1, 1899 [authorization of irrigation systems within Uintah Indian Reservation]
- 1900 [an act to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho]
- Act of May 27, 1902 [allotment of lands to White River Utes]
- Joint resolution of June 19, 1902 [changes to Act of May 27, 1902]
- Land cession agreement of 1904 [cession of Shoshone unallotted lands]
- Act of March 3, 1905 [grazing land set apart for Uintah and White River Utes. Authorization for President to designate unallotted tribal lands to Uintah Forest Reserve]
- Presidential proclamation dated July 14, 1905 [added unallotted tribal lands to the Uintah Forest Reserve]
- Act of June 21, 1906 [establishment of clerks and workers for the Uintah Ouray Reservation]
- Act of June 18, 1934 [Indian Reorganization Act – 25 USC 461]
- July 6, 1938 [corporate charter of the Ute Indian Tribe of the Uintah and Ouray Reservation approved]
- Act of March 11, 1948 [defined boundaries of Uintah and Ouray Indian Reservation]
- Act of August 27, 1954 [termination of Federal supervision of Uintah and Ouray Reservation]

Laws, regulations, and policies governing relationships with American Indian sovereign tribal nations are critical sources of information that should inform how Ashley National Forest personnel engage and consult with Native American tribes. These documents are foundational to our planning procedures and require government-to-government consultation with affected tribes. This is part of the planning process with regard to areas of tribal importance. These include:

- Executive Order 13007 (Indian Sacred Sites - 1996)
- Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments – 2000)
- USDA departmental regulation 1350-002 (Tribal Consultation, Coordination, and Collaboration)
- Forest Service Manual 1563 (Tribal Relations)
- Forest Service Manual 2360 (Heritage Program Management)
- National Historic Preservation Act (16 USC 470)
- American Indian Religious Freedom Act (42 USC 1996)
- Native American Graves Protection and Repatriation Act (25 USC 3001)
- Archaeological Resources Protection Act (16 USC 470aa)
- Food, Conservation, and Energy Act of 2008 (Farm Bill 2008 – PL 110-246)

Historic documents and reference materials help provide a background and history of Native Americans in the area. The following is a brief list of documents consulted:

- O’Neal, Floyd A. 1973. *A History of the Ute Indians of Utah until 1890*. Doctorate of Philosophy Dissertation, University of Utah, Department of History, Salt Lake City, Utah.
- C.L Du Bois Survey August 30, 1875 (Survey of Uintah Valley Reservation and creation of Uintah Special Meridian cadastral survey).
- Simmons, Virginia McConnell. 2000. *The Ute Indians of Utah, Colorado, and New Mexico*. University Press of Colorado, Boulder Colorado.
- Lyman, June and Norma Denver. 1970. *Ute People: An Historical Study*. Edited by Floyd A. O’Neal and John D. Sylvester. Uintah school District and the Western History Center, University of Utah, Salt Lake City, Utah.
- Duncan, Clifford. 2000. *The Northern Utes of Utah*. In *A History of Utah’s American Indians*, edited by Forrest S. Cuch. Utah Division of Indian Affairs and the Division of State History, Salt Lake City, Utah.
- Shimkin, Demetri B. 1986. Eastern Shoshone. In: *Handbook of North American Indians*, Great Basin, Volume 11. Ed. William C. Sturtevant and Warren L. D’Azevedo, pp. 308-335. Smithsonian Institution, Washington.

Information Needs

The primary gap in the data is the loss of cultural memory that is a direct result of forced removal of culturally affiliated tribes from ancestral homelands more than 100 years ago. A doctrine of forced conformity and language loss served to sever ties to ancestral homelands. This led, by extension, to a loss of common memory of a comprehensive atlas of culturally, historically, and spiritually important places

in the planning area. However, important threads of memory still exist and serve to maintain rich and substantive ties to the planning area.

Ashley National Forest personnel consult periodically with the Ute Indian Tribe but have not consulted extensively with the Eastern Shoshone Tribe. The Ashley has minimal information on their traditional cultural lands, history, tribal rights, or current concerns. Consultation with the Eastern Shoshone Tribe is essential to understanding areas of tribal importance on the Ashley National Forest.

The 1986 forest plan does not mention tribal uses, tribal treaty rights, or the Ashley National Forest's obligation to consult with Indian tribes in a variety of ways. Information needs include consulting with tribes to determine:

1. Which traditional plants, animals, minerals, and other resources are of tribal interest
2. The locations of traditional hunting, fishing, and gathering areas used by tribal members
3. How Ashley National Forest projects, permits, and activities are affecting traditional uses of forest plant resources
4. How the Ashley can protect sacred sites and traditional use areas
5. What are current treaty rights and Federal obligations for Ute Tribe and Eastern Shoshone Tribe

Scale of Analysis

The scale of this analysis includes all lands in the Ashley National Forest planning area, as well as adjacent lands traditionally used by the Ute and Eastern Shoshone Tribes.

The south slope of the Uinta Mountains and Uinta Basin are the ancestral homelands or seasonal hunting and gathering grounds for multiple Ute bands. The north slope of the Uinta Mountains are border lands between traditional use areas of Ute Tribal bands and the Eastern Shoshone Tribal bands. The Green River Basin in Wyoming is the traditional use area of the Eastern Shoshone Tribal bands. These traditional use areas provide opportunities for hunting and gathering of plants and animals necessary for food, clothing, shelter, tools, and ceremonial uses (figure 1, figure 2, and figure 4).

In the 1860s, the United States Government developed treaties with the Ute and Eastern Shoshone peoples that significantly reduced their land ownership. The U.S. Government set aside small portions of the original tribal lands as "reserved" areas for the native tribes (reservations), whereupon the native peoples were expected to live. The majority of the lands were then made available to Euro-American immigrants for homesteading, ranching, and mining. Even though the native people were confined to live in specific reservation areas, treaty rights typically allowed for hunting and gathering on public lands. The tribes continued to maintain a cultural connection to the broader traditional use areas. Many of these traditional use areas are on lands currently managed by the U.S. Forest Service.

The original boundary of the Uintah Valley Reservation, set aside for the Ute Tribe, includes much of the land currently managed by the Forest Service in the Duchesne/Roosevelt Ranger Districts. The Ute Tribe maintains specific treaty rights within this original treaty boundary, often called "Indian Country" (see figure 3). Original reservation boundaries of the Eastern Shoshone are in west central Wyoming and do not include lands managed the Ashley National Forest (see figure 5).

Existing and Current Conditions

Historic and Prehistoric Overview

A brief synthesis of the history of the plan area in northeastern Utah and southwestern Wyoming provides a background for current tribal uses of the plan area. Native peoples have used the plan area for at least the last 12,000 years. This cultural resource overview provides a general chronological description of historic and prehistoric activities across the plan area.

The Paleoindian Period (10000 BC to 6500 BC)

The Paleoindian period represents the earliest occupation of the Ashley National Forest. This period commenced with the arrival of humans in the area around 10000 BC and concluded around 6500 BC. The Paleoindian people are generally characterized as highly mobile. These people followed, and primarily subsisted on, herds of now-extinct bison, mammoths, and other megafauna that were killed with spears and later with atlatl darts. Infrequent surface finds are the only evidence of the Paleoindian period on Ashley National Forest.

Archaic Period (6500 BC to AD 100)

The Archaic era (6500 BC to AD 100) was characterized by modern flora and fauna, which were gathered and used by foraging Archaic peoples. Seasonal migrations were timed to hunt and gather plant and animal resources during peak times. In mountainous areas, peak availability of some resources varies with elevation. Seasonal travel to various elevations could exploit this extended period of availability. Exploitation of various elevations also varied in response to climate change. At least some Archaic groups were seasonally (winter) sedentary in the lowlands. Typical artifacts or features include:

- rock lined storage and thermal features (including slab-lined basins);
- basketry;
- nets;
- snares;
- grinding stones;
- atlatls and darts;
- stemmed, comer-notch and side-notch projectile points;
- scrapers; and
- occasional rock art.

Caves and rock shelters were utilized, but ephemeral (brush structure) and more permanent (pit house) habitations were also constructed. (Johnson and Loosle 2002)

Early Archaic sites at Dutch John (Loosle and Johnson 2000) were camping and living areas with relatively substantial brush shelters. These structures often contained internal cooking hearths, storage pits, grinding stones, and large side-notched projectile points dating between 8005 and 6605 years before present (BP). Late summer or fall season occupation appears to have focused on gathering plant seeds and hunting animals such as elk, deer, and moose (Artiodactyls).

Late Archaic sites dating between 4610 and 3290 years BP at Dutch John typically contained slab-lined basins (cooking hearths lined with stone slabs to retain the heat) in open campsites. This represented a highly mobile strategy focused on late winter or early spring season gathering and use of roots, tubers, and possibly cactus pads. Smaller notched projectile points (Elko series projectile points) replaced large

side-notch projectile points during the Late Archaic period. At Dutch John, cooking hearths and roasting pits in two rock shelters were dated between 2784 and 1880 years BP. Dramatic changes in mobility and feature types at Dutch John (Loosle and Johnson 2000) indicates a change in food gathering and processing between the Early Archaic period (8000 to 5000 BP) and the Late Archaic period (5000 to 2000 BP) in the eastern Uinta Mountains. (Johnson and Loosle 2002).

Fremont Period (AD 100 to AD 1350)

Around AD 100, the bow and arrow and domesticated crops such as corn, beans, and squash appear in the region. For the following thousand years, the lifestyle pattern of the indigenous people is characterized by permanent structures organized in hamlets or villages, more reliance on domesticated crops (cultigens), and the use of thin-walled ceramic vessels. In northeastern Utah, this period and culture is known as the Fremont. Although variable with location and elevation, Fremont sites tend to feature some combination of cultigens, ceramics, architecture, constructed storage facilities, and distinctive rock art.

In general, lowland sites tend to have the most evidence of sedentary occupation and the most extensive material inventory. Between AD 1100 and AD 1350, the Fremont pattern of cultigen use and traits appears to vanish from the region. These uses and traits include projectile point types, ceramic types, and farming. Decreased sedentism and cultigen reliance thereafter are coupled with reduced storage and changes in occupation type, projectile points, ceramics, rock art and basketry techniques. (Johnson and Loosle 2002)

Evidence of the Uinta Fremont occupation in northeastern Utah is most prevalent on the northern edge of the Uinta Basin, along the foot of the Uintas south slope. Introduction of corn and the bow and arrow probably occurred around AD 100 and ceramics by AD 400. Lowland occupation settlement typically began with small clusters of pit houses. Large lowland villages have not been securely identified, although occupational density did increase after AD 600. Occupational density, as measured by radiometric dates from the Uinta Basin peaks between AD 600 and AD 1100, then declines abruptly. At Dutch John (Loosle and Johnson 2000), brush structures and open campsites with hearths and roasting pits indicate short-duration camps bracketed by (1-sigma range) dates of 1750 and 925 BP. Small corner-notched projectile points (Rose Spring series) are indicative of bow and arrow technology. Limestone tempered ceramics, more formal grinding stones (metates) and domesticated crops, such as corn, are often found inside brush structures dating late in the period (1105 to 925 BP). Based on the Dutch John excavations (Loosle and Johnson 2000) and on proxy data from the surrounding areas, the Fremont period occurred between AD 100 and AD 1350.

Late Prehistoric (AD 1300 to AD 1600)

Between AD 1100 and AD 1350, the people in the Uinta Basin and along the Green River abandoned corn horticulture and returned to a strategy of hunting and gathering foods. A lifestyle of hunting and gathering results in greater mobility and a change from sedentary villages to more seasonal hunting camps across the landscape. Mobility also necessitated a reduction in personal belongings and the abandonment of the Fremont ceramics. Between AD 1300 and AD 1500, the archaeological record is very sparse. However, the record shows that people during the period we call the Late Prehistoric used the bow and arrow for hunting (desert side-notch and cottonwood triangular points) and gathered available plants and seeds. They used very expeditious thick-walled earthenware ceramics called Intermountain Brownware for cooking and built temporary shelters of brush and logs.

Protohistoric

The invasion by European peoples in the Americas changed the way of life for indigenous peoples, both directly and indirectly. European diseases spread across the Americas during the 1500s and killed an

unknown number of native peoples. The Late Prehistoric peoples in Utah and Wyoming are most likely the ancestors of the Ute and Shoshone people who were encountered by Euro-American explorers in the 1700 and 1800s.

Overview of Ute History

The Ute people inhabited much of the Colorado Plateau (see figure 1) and are most likely descendants of the people living in the area during the Late Prehistoric period. The Ute hunted and gathered native plants and animals and had highly mobile family groups. The introduction of the horse, especially after the pueblo revolt in 1680, changed the Ute lifestyle more dramatically than almost any other event. The introduction of European trade goods forever changed the native inhabitants of the area. Some of these goods included metal axes and knives, metal arrowheads, and firearms. The Ute people maintained many cultural traditions and practices, but the influence of European animals, plants, diseases, and materials were forces of change that are not completely understood.

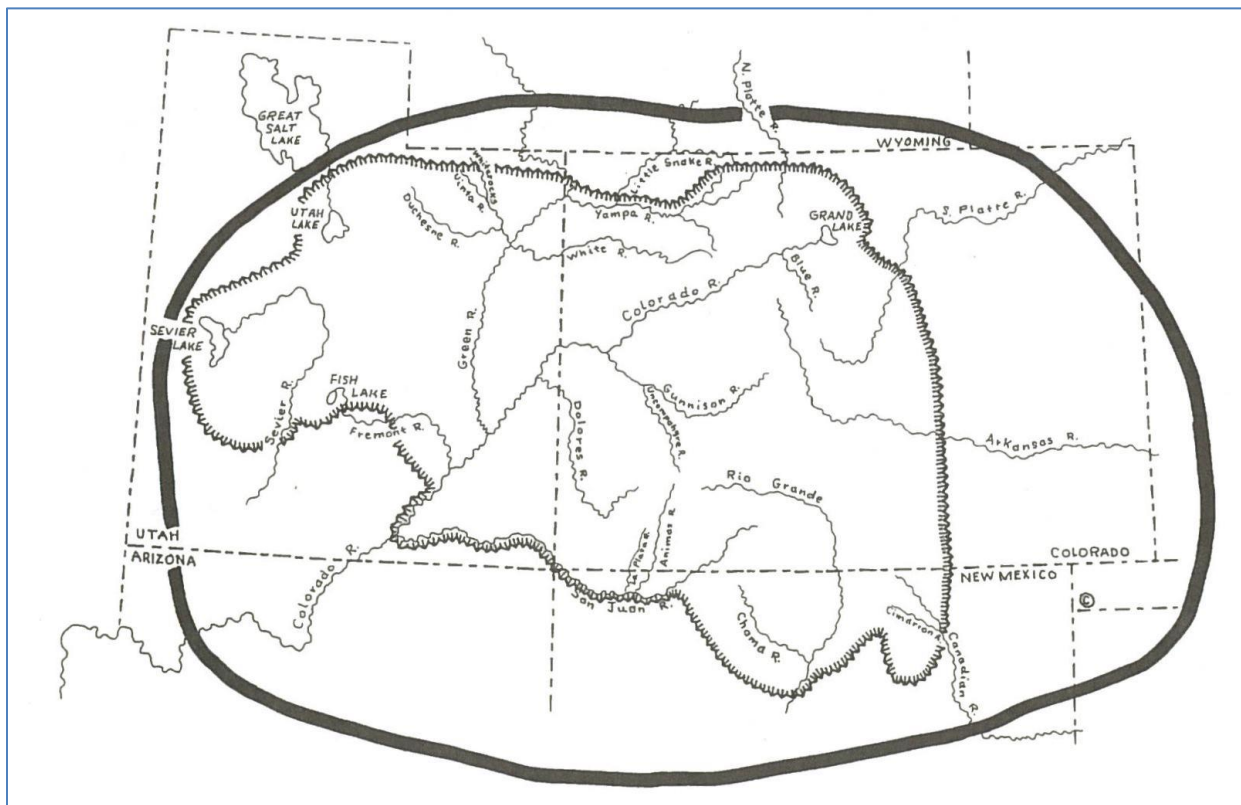


Figure 1. Map of Ute Indian territory and Ute bands

Solid black border indicates areas used in hunting, trading, and warfare (modified from Simmons 2000)

European Contact with the Utes (AD 1536 to AD 1847)

The year 1492 commenced a period of massive changes across the American continents, as European peoples began to exploit available resources and claim lands inhabited by indigenous peoples. From 1536 to 1821, most of the western United States, including the area now managed by Ashley National Forest, was claimed by the kingdom of Spain. The Ute Indians were on the periphery of Spanish influence but were heavily affected by the introduction of the horse in the early 1600s. Tribal culture was also affected by the introduction of European manufactured goods, trade with Europeans, and the spread of European diseases.

Native Americans in northeastern Utah and surrounding areas were Numic-speaking Ute, Shoshone, and (possibly) Comanche. Many of these people practiced a mobile foraging lifeway over large areas, heavily relying on horse transportation after the 1620s.

Spanish involvement with the Ute tribes consisted of exploration, such as the Escalante and Dominguez expedition in 1776, or trade for slaves, pelts, and goods. Spanish influence was fleeting as no permanent settlements were established in Ute homelands.

In 1821, Mexico (including what is now Utah and eastern Wyoming) gained independence from Spain. Mexican control of trade was very lax. The Rocky Mountains experienced an influx of Euro-American fur trappers hoping to take advantage of the abundance of fur bearing animals in an area, now void of Spanish rule. Americans, French, and British fur-trappers quickly began to explore Mexico's northern territory. Trade with the American Indians was enhanced by the establishment of trading posts along the Green River. Sheltered valleys of the Uinta Mountains region became popular winter campsites during the fur trading era (Johnson 1998). Henrys Fork, Little Hole and Dutch John Flat, and Browns Hole provided somewhat temperate microclimates where winter months were a little easier. During the fur-trapping era, Browns Hole (later in the century to be known as Browns Park) was occupied by Shoshone and Ute Indians, with the Shoshone also occupying the Henrys Fork area. In 1827, Fort Davy Crockett, a fur trading post in Browns Hole, was established.

By the mid-1840s the region's fur bearing animals had been over-exploited and the demand for lucrative beaver pelts had declined because of fashion changes in Europe. Trade relationships with the Utes and other tribes soured when Euro-American trappers were no longer willing to pay for pelts brought by the native people. Disillusioned Utes burned Euro-American trading posts and forts, such as Fort Robidoux near Whiterocks. The trade networks were essentially dissolved.

Euro-American Settlement and the Displacement of the Utes (AD 1847 to AD 1882)

The arrival of thousands of Euro-American Mormon settlers along the Wasatch Front began in 1847 and set off conflicts between the new arrivals and the Ute bands already living in the Utah and Salt Lake Valleys. Utah and the surrounding areas were ceded to the United States from Mexico in 1848. Westward expansion, settlement, and development by Euro-American immigrants began with a fury.

The influx of Euro-American outsiders into Ute territory created conflict between the indigenous inhabitants and the newcomers. Pressure from the Euro-American settlers led the U.S. Government to remove the Ute Indians from prime agricultural lands and resettle them on reservations. In order to solve the land conflicts between the Ute bands and the newly arrived Euro-Americans, the U.S. Government set aside much of the Uinta Basin as a reservation for the Utes. The Uinta Basin had been previously surveyed by Mormon settlers and was deemed undesirable for Euro-American settlement. By 1865, all Utes along the Wasatch Front were being moved to the Uintah Valley Reservation in the Uinta Basin (O'Neal 1973).

The Colorado Gold Rush of 1859 brought hundreds of prospectors and mining camps into Ute territory in western Colorado. The Ute bands in Colorado were forced to relinquish their land to the United States and were moved onto reservations in Colorado.

The Tabeguache Treaty of 1863 was crafted in Conejos, Colorado and ceded all Tabeguache Ute lands in Colorado east of the continental divide to the United States Government (Simmons 2000).

The Utah Indian Treaty of 1865 was signed at the Spanish Fork Indian Farm. The treaty relinquished all Ute lands in the territory of Utah to the U.S. Government, in exchange for reservation lands in the Uinta Basin. The treaty required the Utes to move to the reservation within 1 year of the treaty being ratified. The treaty was never ratified by Congress, but the U.S. Army implemented the terms of the treaty and removed the Utes from the Wasatch Front within the next year. The unfairness of the treaty led to an outbreak of raids and skirmishes by the Utes and was called the Black Hawk War (Simmons 2000).

The Ute Treaty of 1868 was signed by a Ute delegation from Colorado. The Utes lost more of their traditional lands in Colorado, but the treaty guaranteed the U.S. Government would keep all non-Indians out of tribal reservation lands. The Utes demanded the government enforce previous treaties and objected to the people overrunning their land. The U.S. Government intended to use the military to expel squatters on Ute lands in Colorado, but the territorial governor objected and government protection of Ute treaty lands never materialized. (Simmons 2000).

Under pressure from miners pouring into the San Juan Mountains of southwestern Colorado, the Utes reluctantly ceded a 60- by 90-mile section of their territory in the San Juan Mountains. This 1874 Brunot Agreement separated lands between the northern Colorado Utes and the Southern Utes (see figure 2). The Northern Colorado Utes were comprised of the Uncompahgre Ute band, led by Chief Ouray, and the White River Utes bands. The Southern Utes were comprised of the Muache Ute Band, Capote Ute Band, and Weenuche Ute band (Simmons 2000).

In 1879, conflict arose at the White River Agency headquarters in northwestern Colorado. White River Utes became upset with Agent Nathan Meeker's attempts to reform them into an agricultural society. In September of 1879, when Meeker plowed under one of the Ute's favorite pastures used for horses, a local chief (Chief Johnson) had a heated argument with Meeker and hurled him against a hitching rail. Thoroughly frightened, Meeker called for military protection. Major Thomas Thornburgh and four cavalry companies (about 178 men) were dispatched from Fort Steel, Wyoming to protect Meeker. When the White River Utes learned that troops were being sent to the reservation, they immediately began to prepare to defend their land. When the military column arrived, Thornburgh and his men were met by more than 300 mounted Utes. In the resulting battle, eleven soldiers including Thornburgh, and thirty-seven Utes died. At the same time, Meeker and 10 employees were killed by renegade Utes at the agency. (Simmons 2000, Lyman and Denver 1970).

Colorado settlers in the area immediately declared the Utes were in open rebellion and called for their removal. By 1882, additional lands were added to the Uintah Valley Reservation. The Utes on the White River Reservation were forced to leave their homelands and move to the Uinta Basin. Euro-American settlers in Colorado, and the Colorado governor, also insisted the Utes on the Uncompahgre Reservation, led by Chief Ouray and his wife Chipeta, be moved to the Uinta Basin. This insistence came even though the Uncompahgre Utes had not been involved with the Meeker incident nor had they been uncooperative with reservation administrators. After the Utes from the reservations in Colorado were moved to the Uinta Basin, their reservation lands in Colorado were opened up for Euro-American settlement (Duncan 2000).

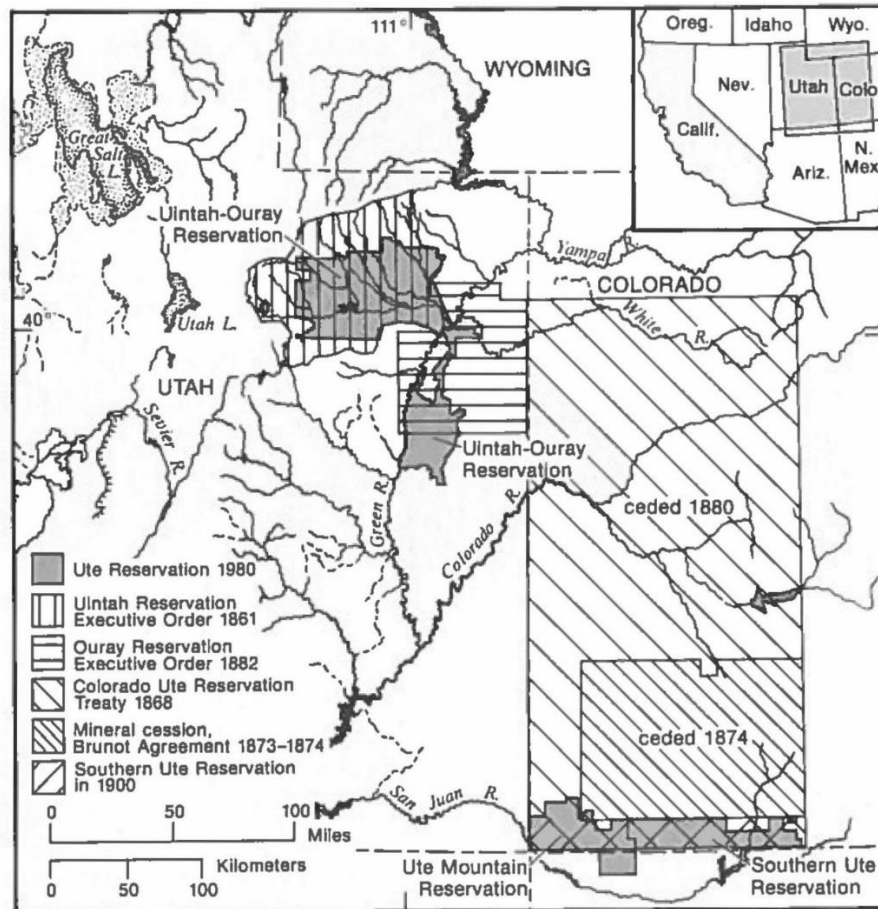


Figure 2. Original Uintah Valley and Uncompahgre Reservation boundaries and land cessions (Calloway et al. 1986)

Starting In 1894, Congress passed several bills that allotted a specified number of acres to each adult male Ute Indian. Congress then opened up the rest of the Uintah Valley reservation for Euro-American settlement. In 1934, Congress passed the Indian Self Determination Act, which allowed American Indian tribes to develop their own constitution and be relatively self-governing. All remaining public lands in the original Uintah Valley treaty boundary were recognized as tribal property (see figure 3).

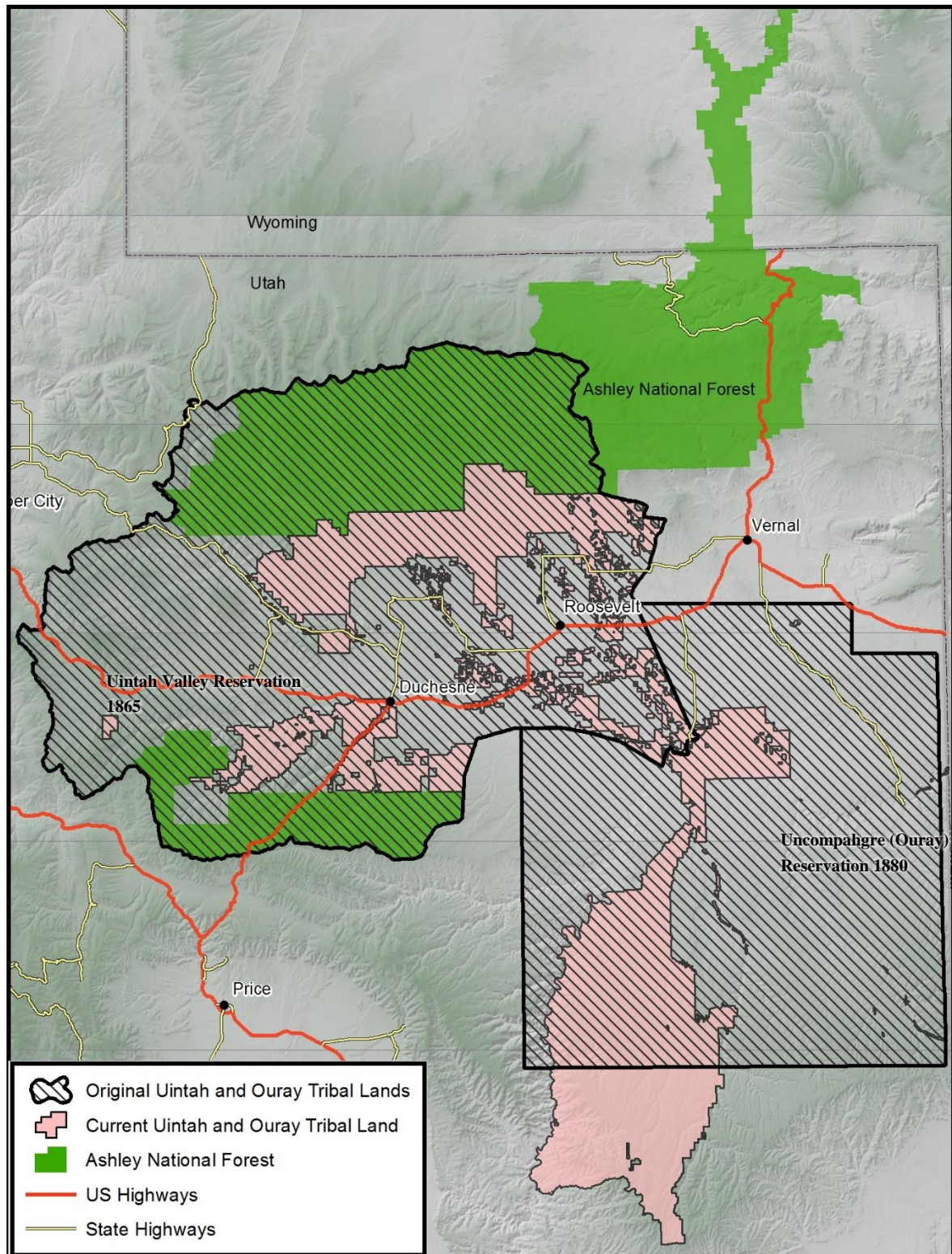


Figure 3. Current Ute Tribal lands in the Uinta Basin

Overview of the Eastern Shoshone People

The Eastern Shoshone historically represent several bands of Shoshonean-speaking peoples who traveled extensively in Western Wyoming, Utah, and Southern Idaho as semi-nomadic, hunter-gatherer groups (Hanson and Chirinos 1997; Cuch 2000). Linguistically, the Shoshone, Paiutes, and Bannocks are related under the term Neme (The People) (Cuch 2000). The Eastern Shoshone are part of, and descendants of, this larger linguistic group who occupied the region during the Late Prehistoric period. Historically, the Eastern Shoshone inhabited lands now part of the Ashley National Forest. These lands include the northern slope of the Uintas from the northeast corner of Utah (bordering Colorado and Wyoming), and stretching west to the northeast portion of Salt Lake, and north into Wyoming encompassing the Green River, and north into Idaho (figure 4). During the Late Prehistoric or early Historic period, the Eastern Shoshone adopted a Plains cultural lifestyle (Hanson and Chirinos 1997) sometime after the 15th century (Fagan 1995).

As a whole, the Shoshone traveled in family groups in annual cycles. Families resided somewhat consistently in the same region throughout the year, returning to specific resource areas during particular months or seasons (Christensen 1999). The Shoshone came to be identified as different groups based on where they lived, traveled, and what they ate (sheep-eaters, fish-eaters, rabbit-eaters, etc.). The Shoshone subsisted on diverse fauna, berries, and roots. Some specific staples included buffalo, fish, elk, beaver, deer, currants, rose berries, hawthorn, and gooseberry (Shimkin 1986). While lines of social demarcation beyond the family were of little importance to the Shoshone, government agents eventually classified several Shoshone groups as distinct tribes or bands. Anthropologists later refined these classifications to reflect what we use today.

European Contact with the Shoshone (AD 1536 to AD 1848)

Native Americans in northeastern Utah and surrounding areas were Numic-speaking Ute, Shoshone, and possibly Comanche. Many of these people practiced a mobile foraging lifeway over large areas, often using horse transportation.

In 1742, French explorers describe the Shoshone as a very powerful equestrian tribe (Hanson and Chirinos 1997) who used products of the buffalo for food, shelter, clothing, and utensils. The Shoshone were said to wear plain headdresses and other regalia and raid other tribes for horses. The Shoshone entered the historic record by 1742. The La Verendrye brothers describe the Shoshone as a very powerful equestrian tribe that lived to the south and west of the Mandan villages in North Dakota (Smith 1980, as cited in Hanson and Chirinos 1997).

In 1803, the United States purchased the Louisiana Territory (828,000 square miles) from France and essentially doubled the land area claimed by the United States. Explorers, trappers, and traders began to explore the area and develop trade networks with native peoples.

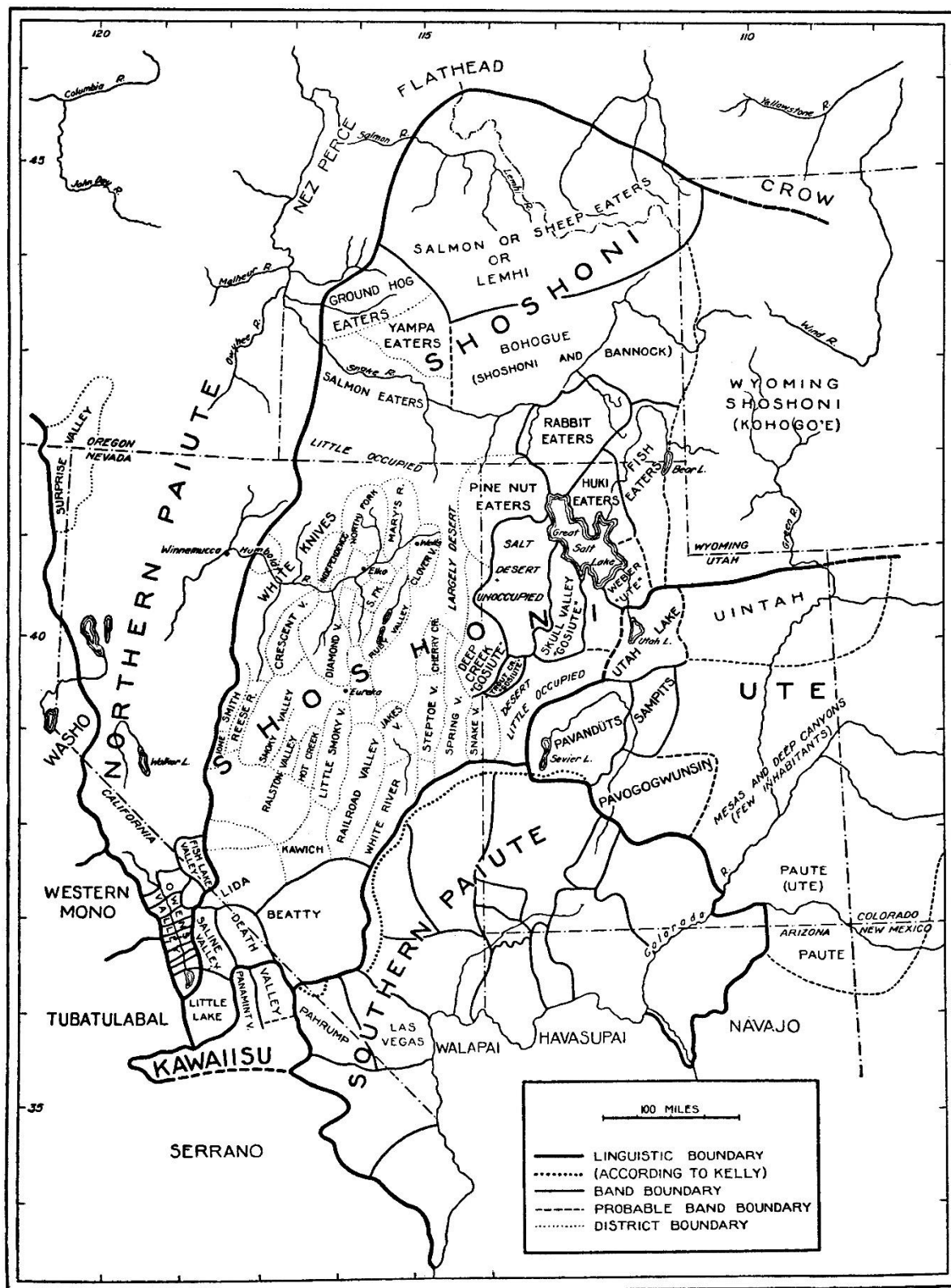


Figure 4. Map of Eastern Shoshone historic tribal lands (Steward 1937)

In 1821, Mexico (including what is now Utah and western Wyoming) gained independence from Spain. The homelands of the Eastern Shoshone experienced an influx of Euro-American fur trappers hoping to take advantage of the abundance of fur-bearing animals in an area now void of Spanish rule. American, French, and British fur trappers quickly began to explore Mexico's northern territory. Trade with the American Indians was enhanced by the establishment of trading posts along the Green River. Sheltered valleys of the Uinta Mountains region became popular winter campsites during the fur-trading era (Johnson 1998). Henrys Fork, Little Hole and Dutch John Flat, and Browns Hole provided somewhat temperate microclimates where winter months were a little easier. During the fur-trapping era, Browns Hole (later in the century to be known as Browns Park) was occupied by Shoshone and Ute Indians, with the Shoshone also occupying the Henrys Fork area. In 1827, Fort Davy Crockett, a fur trading post in Browns Hole, was established.

By the mid-1840s the region's fur-bearing animals had been over-exploited and the demand for lucrative beaver pelts had declined because of fashion changes in Europe. Trade relationships with the Shoshone soured when Euro-American trappers were no longer willing to pay for pelts brought by the native people.

Euro-American Settlement and the Displacement of the Shoshone

With the Treaty of Guadalupe Hidalgo in 1848, the United States gained millions of acres of western lands. Westward immigration of Euro-American settlers increased exponentially. Between 1845 and 1969, the Oregon Trail, Mormon Trail, and California Trail brought thousands of immigrants through traditional Shoshone lands. In 1869, the completion of the transcontinental railroad opened up the West, forever increasing Euro-American settlement. The arrival of thousands of Euro-American immigrants, passing through, and settling in, traditional Shoshone lands, created conflicts between the new arrivals and the indigenous people.

Treaties with the Eastern Shoshone

To resolve the land conflicts between the Shoshone and the newly arrived Euro-Americans, the Eastern Shoshone entered into a treaty with the United States in 1863, which established the Wind River Reservation (Shimkin 1942). The 1863 treaty boundary encompassed some 44,672,000 acres (Easternshoshone.org 2016) and was defined as follows:

On the north by the mountains on the north side of the valley of Shoshonee [sic] or Snake River; on the east, by the Wind River mountains, Peenahpah River; the north fork of Platte or Koo-chin-agah, and the north Park or Buffalo House; and on the south, by Yampah river and the Uintah mountains. The western boundary is left undefined, there being no Shoshonees from that district of the country present; but the bands now present claim that their own country is bounded on the west by Salt Lake. (Treaty with the Eastern Shoshoni, 1863).

A second treaty was signed in 1868, the treaty with the Eastern Band Shoshoni and Bannock, which reduced the acreage to 2,774,400 acres. This and later land cessions reduced the Wind River and Fort Hall boundaries further, to eventually encompass their current boundaries (figure 5) (Act of February 23, 1889, Act of June 6, 1900, 1896 Big Horn Hot Springs Land Cession, Land Cession Agreement of 1904)

Between 1874 and 1876, the Eastern Shoshone played a key role in the U.S. campaign against the Sioux, Cheyenne, and Arapaho peoples (Shimkin 1986). This period was the height of Shoshone power in historic times, soon followed by economic depression. Farming began to decline on the reservation, due to environmental factors and insufficient aid from the U.S. Government. Northern Arapaho Indians were also illegally settled on the reservation after a 1968 treaty left them without land, further stressing life on the reservation (Shimkin 1942).

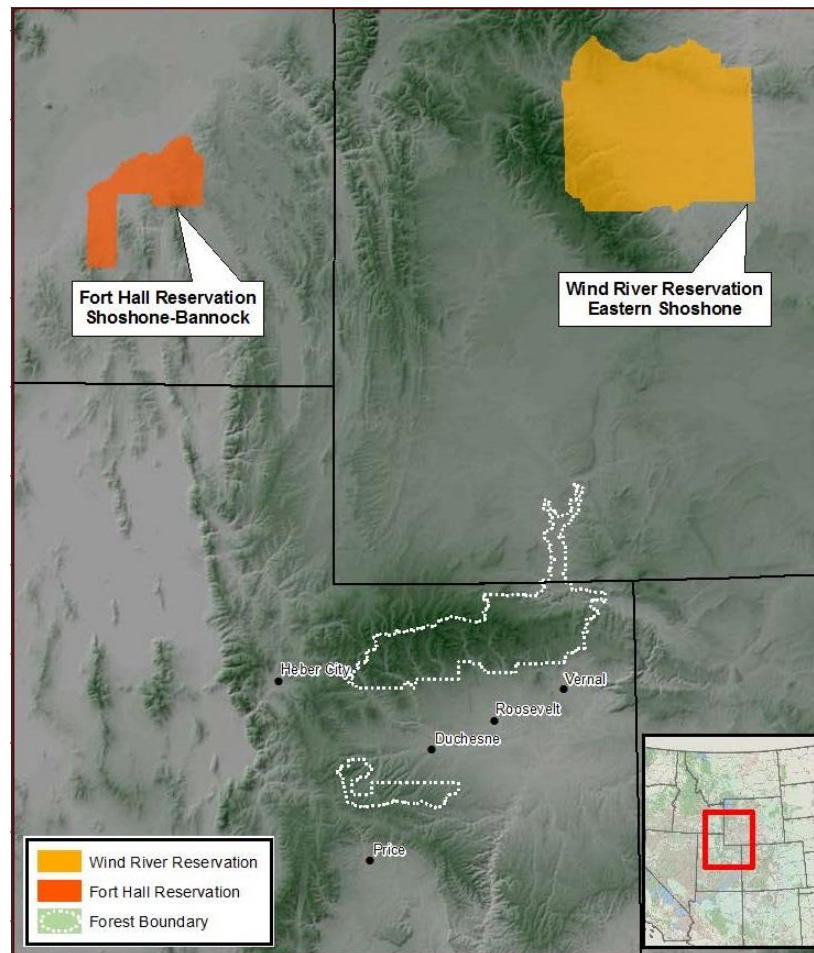


Figure 5. Current reservation lands occupied by Eastern Shoshone

Buffalo in northern Utah had already been extinct since 1832 and in Idaho since about 1840 according to Steward (1938). In other areas between 1882 and 1885, the number of buffalo killed decreased from 2,400 to 10 as buffalo populations dwindled. Cattle had been fraudulently sold to, or stolen by, ranchers who were flourishing at the time. Also, by 1877, people on the reservation numbered 879, down from their previous 1,200. This depression period on the Wind River Reservation lasted for the next 20 years.

Currently, most of the Eastern Shoshone live on the Wind River Reservation in southwestern Wyoming or on the Fort Hall Reservation in southern Idaho (Hanson and Chirinos 1997, Shoshonebannocktribes.com 2016).

Creation of the Uintah Forest Reserve and Ashley National Forest

The Uintah Forest Reserve was created on February 22, 1897, from unallotted public lands in the Uinta and Wasatch Mountains of Utah. The original Uintah Forest Reserve bordered on, but did not include, lands in the Uintah Valley Indian Reservation.

Congress passed an act on March 3, 1905, which opened up lands on the Uintah Valley Reservation for settlement. The act also stated:

That before the opening of the Uintah Indian Reservation, the President is hereby authorized to set apart and reserve as an addition to the Uintah Forest Reserve . . . such portion of the lands within

the Uintah Indian Reservation as he considers necessary (Act of March 3, 1905 [H.R. 17474 / Public No. 212]).

Subsequently, President Theodore Roosevelt issued a presidential proclamation on July 14, 1905 that stated:

Whereas, it is considered necessary for the public good that certain lands in the Uintah Indian Reservation be set apart and reserved as an addition to the Uintah Forest Reserve. Now, therefore, I Theodore Roosevelt, President of the United States, by virtue of the power in me vested by the aforesaid act of Congress . . . do hereby make known and proclaim that certain lands in the said Uintah Indian Reservation are hereby added to and made a part of the Uintah Forest Reserve. . . . (Presidential Proclamation dated July 14, 1905).

With this proclamation, the lands that are now managed as the Duchesne/Roosevelt Ranger District, including the Duchesne South Unit, were added to the Uintah Forest Reserve.

On July 1, 1908, the Ashley National Forest was administratively created out of the eastern end of the Uintah Forest Reserve. In the time since its formation, the Ashley National Forest boundaries and districts have undergone administrative changes that have created the Ashley National Forest as it currently exists.

Congress designated the Flaming Gorge National Recreation Area on October 1, 1968 and assigned its management to the Ashley National Forest. With the creation of the National Recreation Area, the Ashley National Forest grew by 113,800 acres in Utah and Wyoming.

Areas of Tribal Importance

Original Uintah Valley Reservation

The entire Roosevelt/Duchesne Ranger District, and the entire South Unit, are within the bounds of the original Uintah Valley Indian Reservation. Numerous sections of the original reservation lands have been removed from tribal ownership through congressional acts, but the Ute Tribe still maintains a cultural and legal connection to these lands. The original reservation lands are an area of tribal importance to the Ute Tribe. The lands are often called “Indian Country” because of treaty rights still tied to the lands. The original Uintah Valley Reservation is defined by the legal survey of the Uintah Special Meridian.

Traditional Uses on Public Lands

Ute and Shoshone original homelands remain significant for tribal identity and cultural traditions. The history of the U.S. Government’s displacement and relocation of native peoples has made cultural connections to original homelands difficult. Much of the land that was originally occupied and used by the Ute and Eastern Shoshone tribes was acquired by Euro-American settlers and is currently in private ownership. Tribal members have adapted to the loss of their traditional lands by finding alternate locations to practice cultural traditions or gather traditional resources on public lands.

The Flaming Gorge National Recreation Area along the Green River in Wyoming includes lands were historically used by the Eastern Shoshone Tribal members but outside of formal treaty or reservation boundaries. These areas still have cultural importance to the Eastern Shoshone Tribe.

Historic Treaty Rights

It is important to note that a series of treaties with the Utes and Eastern Shoshone continue to assert certain access and resource gathering rights within portions of the plan area. Multiple treaties,

congressional acts, and case law have defined the relationships between the federal government and Native American tribes.

Historic treaties were often negotiated in favor of the U.S. Government and Euro-American settlers and were rarely crafted to benefit the indigenous people. The treaties were written in English and tribal leaders rarely understood the full ramifications of the treaties before they agreed to sign. Because the treaties were often one-sided, courts in the 20th and 21st century have generally tried to interpret treaty language more favorably toward Native American rights.

Treaties developed between the U.S. Government and Native American Indian tribes typically required tribes to give up exclusive ownership of broad indigenous territories in exchange for land ownership of specific tribal reservation lands. Treaties typically retained the rights of tribal members to continue hunting and gathering traditional resources on those lands. Native American treaty rights typically do not apply to private land. But courts have consistently ruled that Native American Indian tribes retain traditional rights to public lands unless access or use of the lands have been specifically rescinded through treaties or legislation.

Native American treaty rights have been recently reasserted through congressional and executive actions. One example can be found in the 2008 Farm Bill, which states that national forests must allow tribal members to collect botanical and other special forest products for traditional and cultural purposes. The national forest must also coordinate with tribal governments to increase awareness of culturally significant plants, and consider potential impacts on culturally significant plants in project design and implementation. Prescribed burn plans, noxious weed control, and other management projects should address and consider traditional uses and traditional management of culturally significant plants (Food, Conservation, and Energy Act of 2008).

Native American Human Remains

American Indian tribes affiliated with the planning area have unique relationships and views with regard to their ancestors. Protecting in place ancient burial sites, and reburying remains taken from the planning area, are of utmost importance to the tribes. The potential for inadvertent discoveries of human remains is moderate within the Ashley National Forest planning area due to a relatively high site density in some areas. To address a growing need nationwide for reburial locations of Native American remains, the Farm Bill of 2008 created the authority for land managers to rebury Native American remains on National Forest System lands.

Places of Tribal Importance

Ute groups peeled ponderosa pine trees for food and other implements such as Ute cradle-boards and saddle parts. Culturally modified trees still exist in groves and as single trees in the planning area. Culturally modified trees have gained more recognition as features of tribal importance. The trees have also become known for having great archaeological value as chronological markers of land use and seasonal migration. Wickiups (conical pole structures), medicine trees, and brush fences are areas of tribal importance. The Ute and Eastern Shoshone tribes consider prehistoric archaeological sites as significant ancestral sites that are “footprints” of those who came before.

Based on consultation efforts with the late Clifford Duncan, Ute Tribal Elder with the Cultural Rights and Protection Office, the places listed in table 1 are important to the Ute people.

Table 1. Places important to the Ute people

Location	Reason For Importance
Paint Mine-Moon Lake	Minerals for ceremonial use.
Confluence of Rock Creek and Duchesne River	Former Ute Reservation Agency location. 1860s Ute horse race track
Rock Creek area	Forested area used for hunting and gathering
McAfee Basin	Areas for plant collection (sweet grass near Lower Stillwater).
Mouth of Whiterocks Canyon	Former battle area.
Uinta Canyon	Major trail to higher elevations.
Willow Creek GS	Ute horse race track near there
Pine Springs site in southwest Wyoming	Lithic material source.
Red Cloud loop above Brownie Canyon	Lodgepole pine procurement area
Near Elkhorn Ranger Station	Ceremonial area

Plants of Tribal Importance

Based on consultation efforts with the late Clifford Duncan, Ute Tribal Elder with the Cultural Rights and Protection Office, the plants in table 2 are important to the Ute people.

Table 2. Plants important to the Ute people

Plant (scientific name)	Traditional use
Aspen	Medicinal
Bear root (<i>Ligusticum porteri</i>)	Medicinal, ceremonial
Bitterroot	Medicinal
Camas (<i>Camassia quamash</i>)	Food
Cedar	Medicinal, ceremonial
Chokecherries	Ceremonial
Dandelion	Medicinal
Death camas	Unknown
Elder berry	Food
Gooseberries	Food
Gum weed (<i>Grindellia squarrosa</i>)	Medicinal
Horse mint (<i>Agastache urticifolia</i>)	Utilitarian, seasoning
Indian potatoes/spring beauty (<i>Claytonia lanceolata</i>)	Food
Mahogany	Ceremonial
Pinyon pine (<i>Pinus edulis</i>)	Utilitarian
Ponderosa pine	Food, seasoning
Red willow	Ceremonial, utilitarian
Sagebrush	Medicinal, ceremonial
Sand bar willow (<i>Salix exigua</i>)	Utilitarian
Sap	Utilitarian
Sweetgrass	Utilitarian
Sweet anise/western sweet cicely (<i>Osmorhiza occidentalis</i>)	Ceremonial, utilitarian

Plant (scientific name)	Traditional use
Tar weed (<i>Madia glomerata</i>)	Medicinal
Tobacco	Ceremonial, Utilitarian
Wild garlic	Food, seasoning
Wild onions: tapertip onion (<i>Allium acuminatum</i>); shortstyle onion (<i>Allium brevistylum</i>); textile onion (<i>Allium textile</i>)	Food, seasoning
Wild peppermint	Ceremonial, Utilitarian
Wild strawberries	Medicinal
Yampa (<i>Perideridia gairdneri</i>)	Food
Yarrow (<i>Achillea millefolium</i>)	Medicinal
Yucca	Utilitarian

Based on consultation efforts with the late Clifford Duncan, Ute Tribal elder with the Cultural Rights and Protection Office, the following objects or concepts are important to the Ute people (table 3).

Table 3. Other objects or concepts important to the Ute people

Object or Concept	Reason for Importance
Crystals	Healing
Feathers	Healing
Rockshelters	Healing
Paint	Ceremonial use
Bison	Food source that has disappeared because of Euro-American occupation
Family	Before the 1930s, the Utes lived as families not as communities. Each family had slightly different ways.
Sundance	Important ceremony held each year.
Sweat lodges	Built of birch branches and heated with hot rocks. Lodges usually left to collapse naturally
Wild horse trap	Built along animal trails with wings starting wide and then narrowing into a corral
Ute burials	Considered sacred.
Trails	Travel routes used by people and game (that is, Sheep Creek Canyon)
Sites types of concern	Eagle hunting blinds, vision quest sites
Areas of power	Areas of power in high places and unexplored places

Trends and Issues

The 1986 forest plan did not discuss tribal consultation or provide guidance for evaluating how Ashley National Forest projects or programs might affect areas of tribal importance. Subsequently, over the past 30 years, the forest plan has not provided guidance on how to determine if Ashley National Forest activities, planning, or program management might affect tribal areas of importance or tribal uses. The Ashley National Forest typically consults with Native American tribes as part of the National Historic Preservation Act Section 106 review process. The consultation comes in regards to cultural resource sites and archaeological sites. But the forest plan does not provide guidance regarding consultation on areas of tribal importance, traditional uses, or tribal treaty rights.

Resources at Risk

Traditionally and culturally important plants and other forest resources are frequently impacted by a variety of Forest Service programs and projects. Tribal consultation is needed regarding these resources. The Ashley National Forest needs more accurate information on areas of tribal importance to ensure further impacts are reduced. Tribal uses could be affected by a variety of forest management activities such as:

- range management
- noxious weed abatement
- timber management
- vegetation projects
- prescribed fire
- wildfire
- wildlife habitat projects
- dispersed recreation

Risks to tribal uses are not well understood because the 1986 forest plan did not address tribal uses. Subsequently, Ashley National Forest project evaluations under the National Environmental Policy Act and the National Forest Management Act have not fully considered tribal uses. The Ashley does not have a monitoring program to evaluate the impacts of Ashley programs and projects on tribal uses.

Climate Change

Climate change in Utah and Wyoming is expected to result in higher temperatures and a reduction in snowfall and water availability. A warming trend could affect the availability and viability of plants and forest products gathered by tribal members across the landscape. Higher temperatures and drought could also increase the severity, frequency, and extent of wildfires.

Recommended Management Direction:

The Ute Tribe Cultural Rights and Protection Office has indicated the Ashley National Forest has not recognized tribal treaty rights for access to traditional plants, minerals, and other resources. Tribal members have been gathering traditional plants and resources using clandestine methods because of fear that Ashley National Forest employees and law enforcement will prohibit such activities. The Ashley National Forest has not formally recognized a difference between the general public use of Ashley National Forest products and tribal treaty rights. These rights allow tribal members to access and collect traditional plants and resources.

Based on informal consultation with the Ute Tribe, including prior consultation with the late Clifford Duncan (Ute Tribal elder), the following management direction has been recommended:

1. The Ashley National Forest should establish and improve relationships that encourage tribes to be partners in ecosystem management of the forest system.
2. Consult with the tribes and the Bureau of Indian Affairs to determine specific treaty rights for Ute Tribe and Eastern Shoshone Tribe.
3. Consult with the tribe to develop a list of traditional plants, animals, minerals, and other resources that are of interest to the Ute Tribe. Determine traditional areas where these resources are gathered or procured.
4. Develop a protocol or memorandum of understanding through which Ute and Eastern Shoshone tribal members can exercise their treaty rights to gather traditional resources on Ashley National Forest. Ensure forest protection officers, law enforcement, line officers, and other Ashley

National Forest employees are aware of these rights and the protocols for tribal members to gather traditional resources.

5. Consult with the Ute Tribe on Ashley National Forest projects, permits, and activities that could potentially affect locations or resources where traditional tribal uses occur (including projects and management involving grazing, timber harvesting, forest vegetation projects, and prescribed fire).
6. Heighten cultural awareness of the Ute people and their history through heritage interpretation and education.
7. Respect wishes of spiritual leaders concerning treatment of areas of traditional or cultural use.
8. Pursue habitat improvement opportunities regarding traditionally used plants and animals.
9. Consult with tribes to determine the location of any sacred sites and traditional use areas for special management.
10. Consult with tribes about traditional ecological knowledge, land ethics, traditional hunting practices, traditional gathering of resources, and other cultural issues.
11. Coordinate with the tribal fish and game program staff to discuss wildlife management and opportunities for joint management of species of interest to the tribe.
12. Monitor how Ashley National Forest programs and projects affect plants, animals, and resources of tribal importance.

Summary and Conclusions

Areas of tribal uses and importance were not included in the 1986 forest plan. These areas have subsequently not been incorporated into forest planning or monitoring over the past 30 years.

Multiple federal laws, regulations, and policies require that areas of tribal importance, tribal rights, and tribal cultural connections be given appropriate consideration by the Forest Service during management considerations, project planning, and administration.

Since our forest plan was completed some thirty years ago, policy development and the manner in which we consult with tribes have evolved considerably. This includes how we recognize and manage traditional and cultural landscapes. The legal framework of Federal policy, case laws, and executive orders provides guidance and establishes a higher standard for tribal consultation, authority to facilitate reburial of Native American human remains on National Forest System lands, and authority to manage how tribes collect forest products. This framework also requires we protect sensitive information that is considered private to the tribes.

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